



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,510	04/12/2001	Sachiko Nishiura	14460	2988

23389 7590 05/18/2005

SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY, NY 11530

EXAMINER

CHANG, SUNRAY

ART UNIT	PAPER NUMBER
----------	--------------

2121

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/833,510

Applicant(s)

NISHIURA, SACHIKO

Examiner

Sunray Chang

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,7 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,7 and 10-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in responsive to the paper filed on April 28th, 2005.

Claims 1, 4, 7, and 10 – 12 are presented for examination.

Claims 1, 4, 7, and 10 – 12 are rejected.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

2. **Claims 1, 4, 7, and 10 – 12 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Naomichi Nonaka (U.S. Patent No.6,519,243 and referred to as **Nonaka** hereinafter), and in view of Ahmed Tantawy et al. (U.S. Patent No. 6,597,891 and referred to as **Tantawy** hereinafter).

(**Nonaka** as set forth above generally discloses the basic inventions.)

3. **Regarding independent claim 1,**

Nonaka teaches,

- A receiving system for acquiring broadcast data through an Internet [performing unidirectional packet communications utilizing unidirectional paths and an Internet network, Col. 3, Line 54 – 55].
- Broadcast reception means for receiving modules [bi-directional packet communication, Col. 3, Lines 56 – 57] of said broadcast data [IRD, Fig. 1 and Col. 3, Line 61].
- Internet access means for accessing Internet [RGW, Fig. 1 and Col. 3, Line 61].
- Internet access means acquires only non-received modules [IP packet which is to be sent to RGW] by broadcast reception means [an interruption in the satellite data circuit is detected at the RGW, a request is and transmitted to the SGW by way of the internet network]. [Col. 6, Line 60 – 66].
- Monitoring means [RGW, Col. 6, Line 61] for monitoring [detected, Col. 6, Line 61] conditions of receiving [interruption, Col. 6, Line 60].
- Control means for switching reception of at least one of said modules of said broadcast data [IP packet] from said broadcast [satellite] reception means [RGW] to said Internet access means [internet network], when conditions deteriorate [Col. 6, Line 63 – 66].
- Control means switches off broadcast reception means and switches on Internet access means when non-received modules are detected [an interruption in the satellite data circuit is detected at the RGW, a request is and transmitted to the SGW by way of the Internet network, Col. 6, Line 60 – 62].

Nonaka does not teach memory means for storing in advance a list of names of modules of broadcast; comparison means for comparing names of modules already received by broadcast reception means with list and detecting non-received modules.

Tantawy teaches,

- memory means for storing in advance a list of names of modules of broadcast [scheduled time, tuning identification information and assembly information, Col. 4, Lines 54 – 67];
- comparison means for comparing names of modules already received by broadcast reception means with list and detecting non-received modules, [retransmission of corrupted data blocks in a way that reduces the overall time, Col. 3, Lines 2 – 4, see also Col. 2, Line 57 – Col. 3, Line 13 and Col. 4, Line 54 – Col. 5, Line 15] for the purpose of reducing the overall time.

Tantawy also teaches,

- Internet access means acquires only non-received modules [retransmission of corrupted data blocks in a way that reduces the overall time, Col. 3, Lines 2 – 4, see also Col. 2, Line 57 – Col. 3, Line 13 and Col. 4, Line 54 – Col. 5, Line 15] by broadcast reception means [Internet or a broadcast network or a similar infrastructure, Col. 3, Lines 10 – 13].

It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of **Nonaka** to include “memory means for storing in advance a list of names of modules of broadcast; comparison means for comparing names of modules already received by broadcast reception means with list and detecting non-received modules” for the purpose of reducing the overall time.

4. Regarding dependent claims 4 and 7,

Nonaka teaches,

- A receiving method for acquiring broadcast data through an Internet [performing unidirectional packet communications utilizing unidirectional paths and an Internet network, Col. 3, Line 54 – 55].
- Receiving modules of [packet communication] broadcast data [when the RGW receives the encapsulated IP packet, Col. 6, Line 40 – 41];
- Monitoring conditions of said receiving [when an interruption in the satellite data circuit is detected at the RGW, Col. 6, Line 60 – 61];
- Stopping said receiving of said broadcast data, when conditions of said receiving deteriorate;
- Accessing internet only when conditions of said receiving deteriorate; [Col. 12, Lines 7 – 11] and
- Acquiring through said Internet said modules of [IP packet, Col. 6, Line 63] said broadcast data, which has not received yet. [an interruption in the satellite data circuit is detected at the RGW, a request is and transmitted to the SGW by way of the Internet network, Col. 6, Line 60 – 62].
- broadcast data acquired through said internet is an only non-received module which has not been received. [an interruption in the satellite data circuit is detected at the RGW, a request is and transmitted to the SGW by way of the internet network, Col. 6, Line 60 – 66]

Art Unit: 2121

Nonaka does not teach storing in advance a list of names of said modules of said broadcast; and comparing names of modules already received with said list and detecting said non-received modules.

Tantawy teaches,

- storing in advance a list of names of said modules of said broadcast; [scheduled time, tuning identification information and assembly information, Col. 4, Lines 54 – 67] and
- comparing names of modules already received with said list and detecting said non-received modules. [retransmission of corrupted data blocks in a way that reduces the overall time, Col. 3, Lines 2 – 4, see also Col. 2, Line 57 – Col. 3, Line 13 and Col. 4, Line 54 – Col. 5, Line 15]

5. **Regarding dependent claims 10 – 12,**

Nonaka teaches,

- Internet access means [internet network] selects [assign] at least one corresponding access destination [network address] from access destinations [beforehand] in an access destination memory means [address management facility] and designates at least one server [RGW] for receiving and acquiring at least one of said modules of said broadcast data. [Col. 7, Line 59 – Col. 8, Line 4]

Nonaka does not teach a list of access destinations stored in advance in an access destination memory means.

Tantawy teaches,

Art Unit: 2121

- a list of access destinations stored in advance in an access destination memory means
[scheduled time, tuning identification information and assembly information, Col. 4, Lines
54 – 67] and

Response to Amendment

Claim Rejections - 35 USC § 102

6. Applicants arguing that “**Nonaka** fails to teach a broadcast reception means that receives modules” is disagreed with, according to description of the specification of applicants’ application, applicants agree that “data of the data broadcast and an internet access destination are series of module formats”, based on this explanation, **Nonaka** does disclose a satellite communication method and an Internet communication method for transmitting modules. [see Fig. 1].

7. Applicants arguing that “**Nonaka** fails to teach memory means for storing in advance a list of names of said modules of said broadcast and also failing to teach a comparison means for comparing names of modules already received by said broadcast reception means with said list and detecting said non-received modules”. The examiner has made new rejections based on new cited reference, **Tantawy**, in current office action.

Art Unit: 2121

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunray Chang whose telephone number is (571) 272-3682. The examiner can normally be reached on M-F 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-746-3506.

Sunray Chang
Patent Examiner
Group Art Unit 2121
Technology Center 2100
U.S. Patent and Trademark Office

May 13, 2005


Anthony Knight
Supervisory Patent Examiner
Group 3600